

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND VARIANCES
NE/corner Eastern Avenue Ext. and Graces Quarters Road
15th Election District
5th Councilmanic District
Cloverland Farms
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 88-468-SPHXA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an amendment to the site plans previously approved in Case Nos. 3357-S and 80-224-ASPH to permit the conversion to a food store as a use in combination with a service station; a special exception to permit a food store in combination with a service station; and variances to permit a site area of 21,814 sq.ft. in lieu of the required 26,324 sq.ft.; all as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by John M. Kemp, its Director of Operations, appeared, testified, and was represented by Counsel, Nathan Patz, Esquire. Also appearing on behalf of the Petitions was Charles Stark with George W. Stephens, Jr. & Associates, Inc., Architects. Richard Anderson, a neighboring resident, appeared as a Protestant.

The testimony and evidence presented indicated that the subject property, located at the corner of Eastern Avenue Extended and Graces Quarters Road, is zoned B.L.-C.N.S. and is improved with an existing concrete block building which is currently used as a service station. The original special permit granted in Case No. 3357-S, which was issued February 2, 1955 by the then Zoning Commissioner, Wilkie Adams, specifically granted a gasoline service station for the subject property and a service

station was subsequently constructed on the commercially zoned portion of the property.

In Case No. 80-224-SPH issued July 18, 1980, the then Zoning Commissioner William E. Hammond granted an amendment to the site plan previously approved in Case No. 3357-S to reduce the land originally devoted to the special permit for the gasoline service station from 29,243 sq.ft. to 21,808 sq.ft. In addition, certain variances were granted which remain in effect today.

The purpose of the instant petition is to amend both prior cases to allow for a food store use in combination with the gasoline service station. The original gasoline service station constructed pursuant to Case No. 3357-S will be raised and a new building will be constructed in accordance with that depicted in Petitioner's Exhibit 1. Additionally, the old fuel pump islands will be removed and replaced with new equipment. All old underground tanks, fuel and oil waste tanks will be removed and the existing metal shed at the rear of the property will be removed. New curbs and islands will be installed along Graces Quarters Road and Eastern Avenue Extended to better control ingress and egress to the site. In addition, a new island will be created and the access off of Eastern Avenue will be controlled through one access point as opposed to the two access points which now exist. The entire site will be completely renovated.

Mr. Anderson appeared to complain that storm water is not being properly controlled on the subject site. He believes the storm drains are not working properly. Protestant's Exhibit 1 clearly shows that storm water is standing on site after a rainfall.

Section 502.1 of the B.C.Z.R. requires that a special exception comply with certain requirements. The storm water problems in the instant case could cause the project to violate the spirit and intent of this Section. This is clearly a health and safety hazard and an interference with public improvements.

The storm water problems will be corrected if the project is developed in accordance with the restrictions set forth hereinafter and more fully described below. The Petitioner shall comply with said restrictions to protect the health, safety and welfare of the public. The conditions delineated in Section 502.1 will be satisfied only if all of the restrictions are fully complied with by the Petitioner.

In light of the restrictions contained herein concerning the storm water management and storm water drainage problems, the Petitioner has met his burden of adducing testimony and evidence which would show that the proposed uses meets the prescribed standards and requirements set forth in Section 502.1. The facts and circumstances do not show that the proposed uses at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use irrespective of its location within the zone. *Schultz v. Pritts*, 432 A.2d 1319 (1981).

The proposed uses will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the B.C.Z.R.

Section 307 of the B.C.Z.R. states that the Baltimore County Zoning Commissioner and/or the Deputy Zoning Commissioner shall have the

power to create variances from an area regulation where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship.

After due consideration of the testimony and evidence presented, it is clear that strict compliance with the requirements would unreasonably prevent the use of the property for a permitted purpose; that substantial injustice would be done to the Petitioner; and that the granting of a variance would be in the spirit of the law and would not create substantial detriment to the public good.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, it appears that the relief requested in the special hearing, special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of July, 1988 that the Petitions for Special Hearing to approve an amendment to the site plans previously approved in Case Nos. 3357-S and 80-224-ASPH to permit the conversion to a food store as a use in combination with a service station; the Petition for Special Exception to permit a food store in combination with a service station; and Petition for Variance to permit a site area of 21,814 sq.ft. in lieu of the required 26,324 sq.ft.; in accordance with Petitioner's Exhibit 1, be and are hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-468-SPHXA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 405.409 to permit a site area of 21,815 sq. ft. in lieu of the required 26,324 sq. ft. (an area factor of 2.41 in lieu of the required factor of 4. area of 6815 sq. ft. in lieu of 11,324 sq. ft.)

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):
Cloverland Farms Dairy, Inc.
(Type or Print Name)

Signature: *John M. Kemp*
(Type or Print Name)

Signature: _____

10 Light Street 685-6666
Address Phone No.

City and State _____

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name _____

Address _____ Phone No. _____

Attorney's Telephone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of MARCH 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of MAY 1988, at 9 o'clock A.M.

County, on the 26th day of MAY 1988, at 9 o'clock A.M.

Signature: *J. Robert Huie*
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING - 1/2 hr. (over)

AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS

OTHER _____

REVIEWED BY: *CRK* DATE: 3/1/88

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-468-SPHXA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for A Food Store in combination with a Service Station per 405.4D.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name) _____

Signature: _____

Address _____

City and State _____

Attorney for Petitioner:
Nathan Patz 685-6666
(Type or Print Name) Address Phone No.

Signature: *Nathan Patz*
Baltimore, MD 21202
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name _____

Address _____ Phone No. _____

Attorney's Telephone No.: 301-685-6666

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of MARCH 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of MAY 1988, at 9 o'clock A.M.

County, on the 26th day of MAY 1988, at 9 o'clock A.M.

Signature: *J. Robert Huie*
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING - 1/2 hr. (over)

AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS

OTHER _____

REVIEWED BY: *CRK* DATE: 3/1/88

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-468-SPHXA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 502.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an amendment to the site plans approved in Case Nos. 3357-S and 80-224-ASPH to allow conversion to a food store as use in combination with a service station.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I, We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name) _____

Signature: _____

Address _____

City and State _____

Attorney for Petitioner:
Nathan Patz 2200 N. Monroe Street
(Type or Print Name) Address Phone No.

Signature: *Nathan Patz*
Baltimore, Maryland 21217
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name _____

Address _____ Phone No. _____

Attorney's Telephone No.: 301-685-6666

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of MARCH 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of MAY 1988, at 9 o'clock A.M.

County, on the 26th day of MAY 1988, at 9 o'clock A.M.

Signature: *J. Robert Huie*
Zoning Commissioner of Baltimore County.

ESTIMATED LENGTH OF HEARING - 1/2 hr. (over)

AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS

OTHER _____

REVIEWED BY: *CRK* DATE: 3/1/88

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

July 27, 1988

Nathan Patz, Esquire
10 Light Street, Suite 2110
Baltimore, Maryland 21202

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND ZONING VARIANCE
NE/Corner Eastern Avenue Extended and Graces Quarter Road
15th Election District; 5th Councilmanic District
Cloverland Farms - Petitioner
Case No. 88-468-SPHXA

Dear Mr. Patz:

Enclosed please find the decision rendered on the above-referenced case. The Petitions for Special Hearing, Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bja

Enclosure

cc: Mr. Richard Anderson
12611 Eastern Avenue Extended, Baltimore, Md. 21220

People's Counsel

88-468-SPHXA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
16th day of March, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Cloverland Farms Dairy, Inc. Received by: James F. Dyer
Petitioner's Attorney: Nathan Patz Chairman, Zoning Plans
Advisory Committee

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

Date: MAY 11 1988

Mr. John M. Kemp
Cloverland Farms Dairy, Inc.
2202 N. Penrose Street
Baltimore, Maryland 21217

Re: Petitions for Zoning Variance, Special Hearing, and Special Exception
CASE NUMBER: 88-468-SPHXA
NE/Corner Eastern Avenue Extended and Grace's Quarter Road
15th Election District - 5th Councilmanic District
Petitioner(s): Cloverland Farms
HEARING SCHEDULED: THURSDAY, MAY 26, 1988 at 9:00 a.m.

Dear Mr. Kemp:

Please be advised that \$144.00 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED
ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 5/19/88 ACCOUNT: RCH-615-000

AMOUNT: \$ 144.00

RECEIVED BY: *[Signature]* FROM: *[Signature]*

FOR: *[Signature]* 5/26/88 Hearing

8 107*****144001a 88-468-SPHXA

VALIDATION OR SIGNATURE OF CASHIER

and post set(s), there
for each set not

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 6, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Nathan Patz, Esquire
10 Light Street
Suite 2110
Baltimore, Maryland 21202

RE: Item No. 315 - Case No. 88-468-SPHXA
Petitioner: Cloverland Farms Dairy, Inc.
Petition for Special Hearing, Special Exception
and Zoning Variance

Dear Mr. Patz:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development. Plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James F. Dyer
JAMES F. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Enclosures

cc: George William Stephens, Jr.
and Associates, Inc.
303 Allegheny Avenue
Towson, Maryland 21204

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

March 11, 1988

Paul H. Reinecke
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Cloverland Farms Dairy, Inc.

Location: NE/C Eastern Avenue, and Grace's Quarter Road

Item No.: 315 Zoning Agenda: Meeting of 3/15/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

(X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and Approved: *[Signature]*
Baltimore County Fire Department
Special Inspection Division
*NFPA Standard 30, 1981, Section 7-8.4.3 shall apply. All self-service stations shall have at least (1) entrance on city while station is open to the public. The attendant's primary function shall be to supervise, drive and control the dispensing of Class I liquids while said liquids are actually being dispensed.

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL
PROTECTION AND RESOURCE MANAGEMENT

3/16/88
Date

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 315, Zoning Advisory Committee Meeting of March 15, 1988
Property Owner: Cloverland Farms Dairy, Inc.
Location: NE/C Eastern Ave. and Grace's Quarter Rd. District 15
Water Supply: M&T Sewage Disposal: M&T

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation before work begins.
- (X) A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charcoal broiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Material and Child Health.
- (X) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- (X) Prior to raising of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775. Any asbestos removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 494-3768.
- () Soil percolation tests, have been _____, must be _____ conducted.
- () The results are valid until _____.
() Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____.
() If not acceptable and must be repeated. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the suitability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others _____

Karen M. Thierrey
BUREAU OF WATER QUALITY AND RESOURCE
MANAGEMENT

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

RECEIVED
APR 22 1988

ZONING OFFICE

April 8, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 315 - ZAC -
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

Meeting of March 15, 1988
Cloverland Farms Dairy, Inc.
NE/C Eastern Ave. and Grace's Quarter Rd.
BL-CNS
Special Hearing to approve an amendment to the site plans approved in Case Nos. 3357-S and 80-224-ASPH to allow conversion to a food store as use in combination with a service station. Variance to permit a site area of 21815 sq. ft. in lieu of the required 26,324 sq. ft. (an area factor of 2.41 in lieu of the required 26,324 sq. ft. (an area factor of 2.41 in lieu of the required factor of 4 area of 6,815 sq. ft. in lieu of 11,324 sq. ft.). Special Exception to permit a food store in combination with a service station.
0.501 acres
15th Election District

Area:
District:

Dear Mr. Haines:

The entrance and parking should be revised to reduce points of conflict, reduce congestion, and improve circulation.

Very truly yours,
Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/pml-b
*Possible Critical Area

LAW OFFICES

NATHAN PATZ

Associate

ALAN A. ARAMOWITZ

Office of the Zoning Director
County Office Building, First Floor
Towson, Maryland 21204

Attention: Ms. Chris Rorke

Dear Ms. Rorke:

With my thanks to you for your helpfulness I have obtained and enclose herewith three copies of the Petition for Special Hearing, duly executed in behalf of Cloverland Farms Dairy, Inc. and by me, prepared in accordance with our discussion, which you will wish now to formally file.

It would be greatly appreciated if you could please telephone my office right after the property is posted for the scheduled hearing.

My thanks,

Sincerely yours,
Nathan Patz
Nathan Patz

NP/ks
Enclosures as noted

LAW OFFICES

NATHAN PATZ

Associate

ALAN A. ARAMOWITZ

Honorable J. Robert Haines
Zoning Commissioner of Baltimore County
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

Agreeably to your request of May 11, 1988 in the above matter, in behalf of Cloverland Farms Dairy, Inc. I enclose herewith its check #106841 of this date to the order of Baltimore County, Maryland for \$144.00 as drawn on the Maryland National Bank which now carries name of the above identifying

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

Hearing the signs or posts
the commencement of the

DATE: 5/19/88 ACCOUNT: RCH-615-000

Very truly yours,

AMOUNT: \$ 144.00

[Signature]
Nathan Patz

RECEIVED BY: *[Signature]* FROM: *[Signature]*

FOR: *[Signature]* 5/26/88 Hearing

8 107*****144001a 88-468-SPHXA

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION Office of THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, Md. 21221

MAY 5, 1988

THIS IS TO CERTIFY, that the annexed advertisement of
FOR ZONING VARIANCE, SPECIAL HEARING AND SPECIAL
EXEMPTION CASE NUMBER 88-466-SPHA
NE/C EASTERN AVE EXT. AND GRACES QUARTER RD.
PETITIONERS: CLOVERDALE FARMS
THURSDAY MAY 26, 1988 at 9:00am
105 lines at 47.75

was inserted in The Avenue News a weekly newspaper

published in Baltimore County, Maryland once a week for one
successive week(s) before the 6th day of MAY 1988.
that is to say, the same was inserted in the issues of 5/5/ 1988

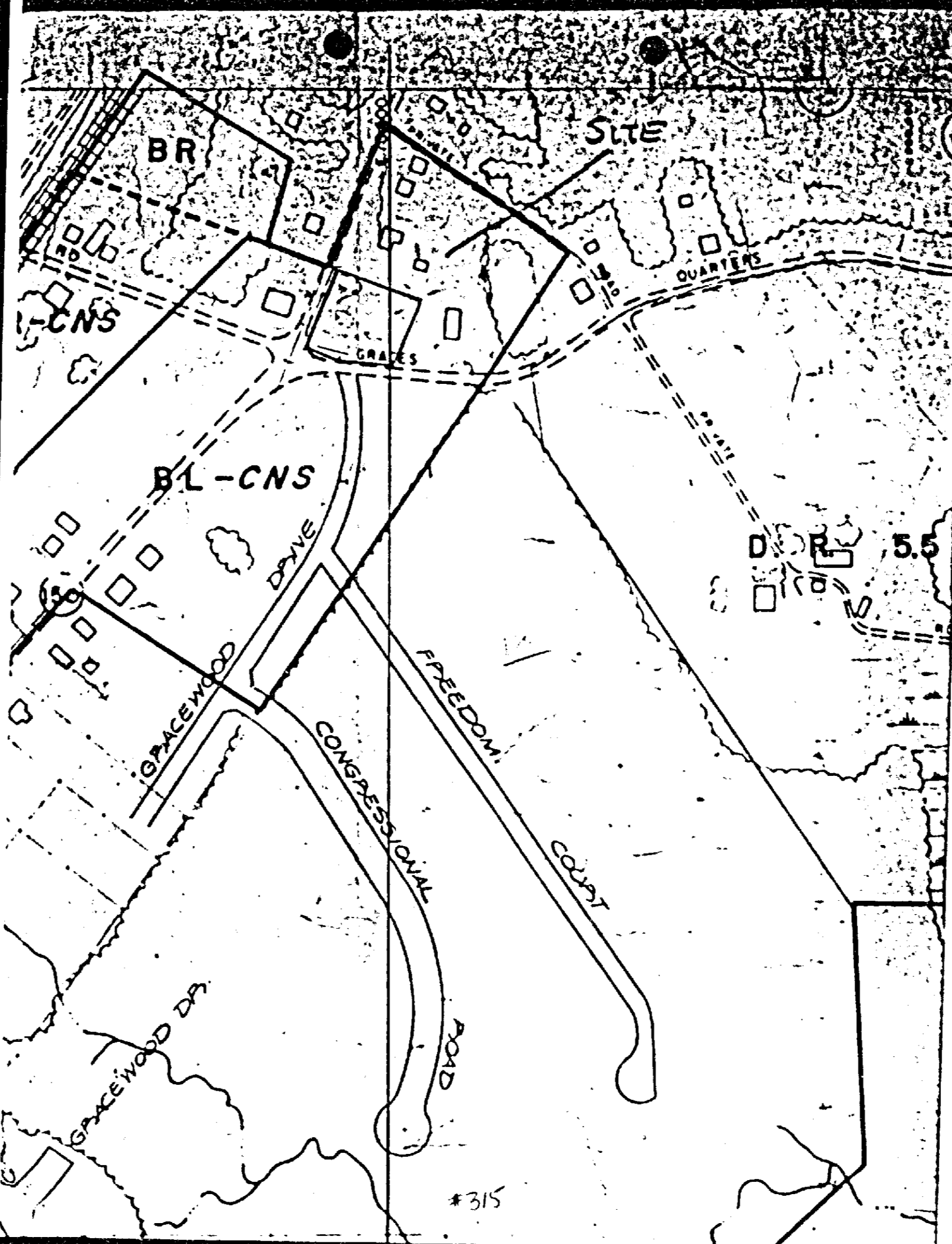
The Avenue Inc.

per publisher

By *Diane Caldwell*

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

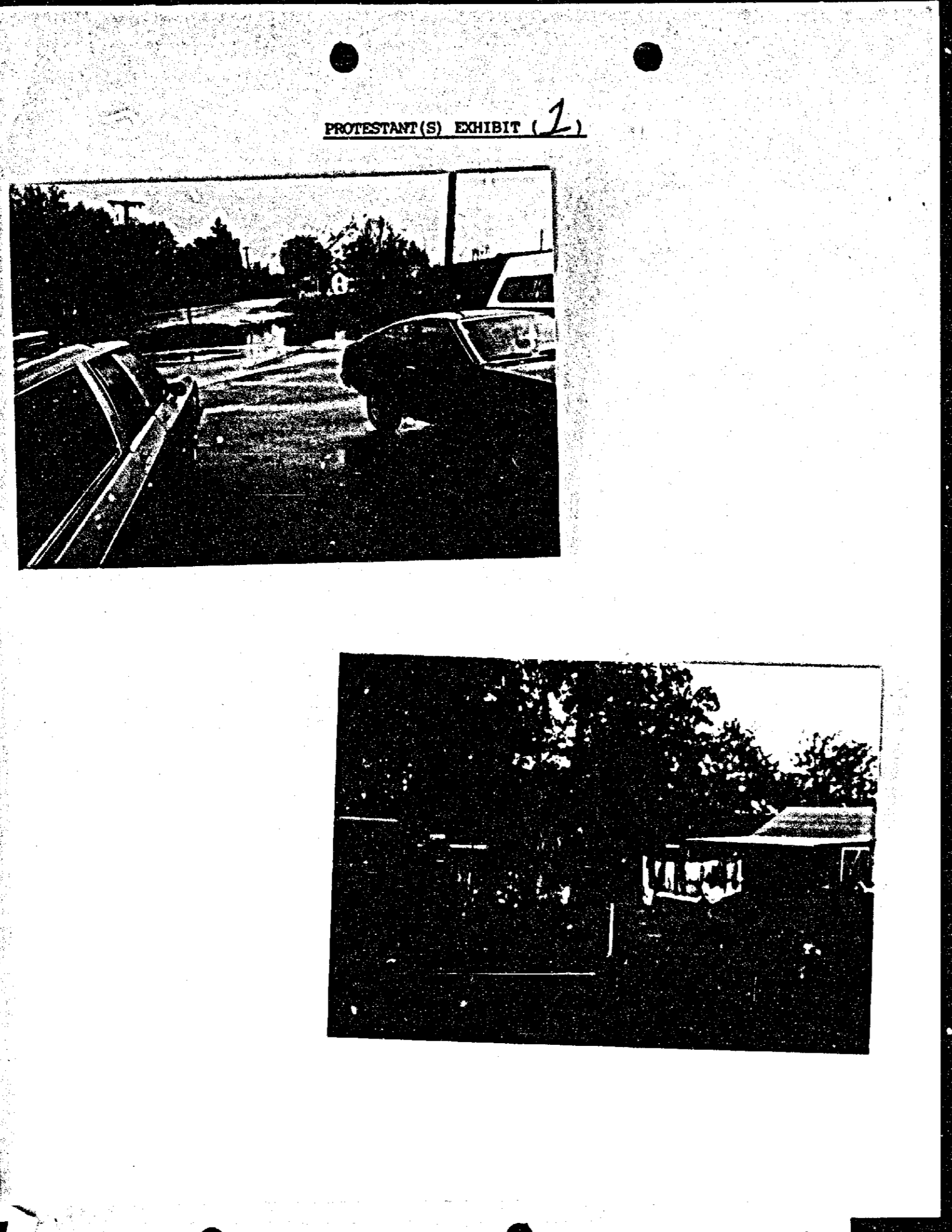
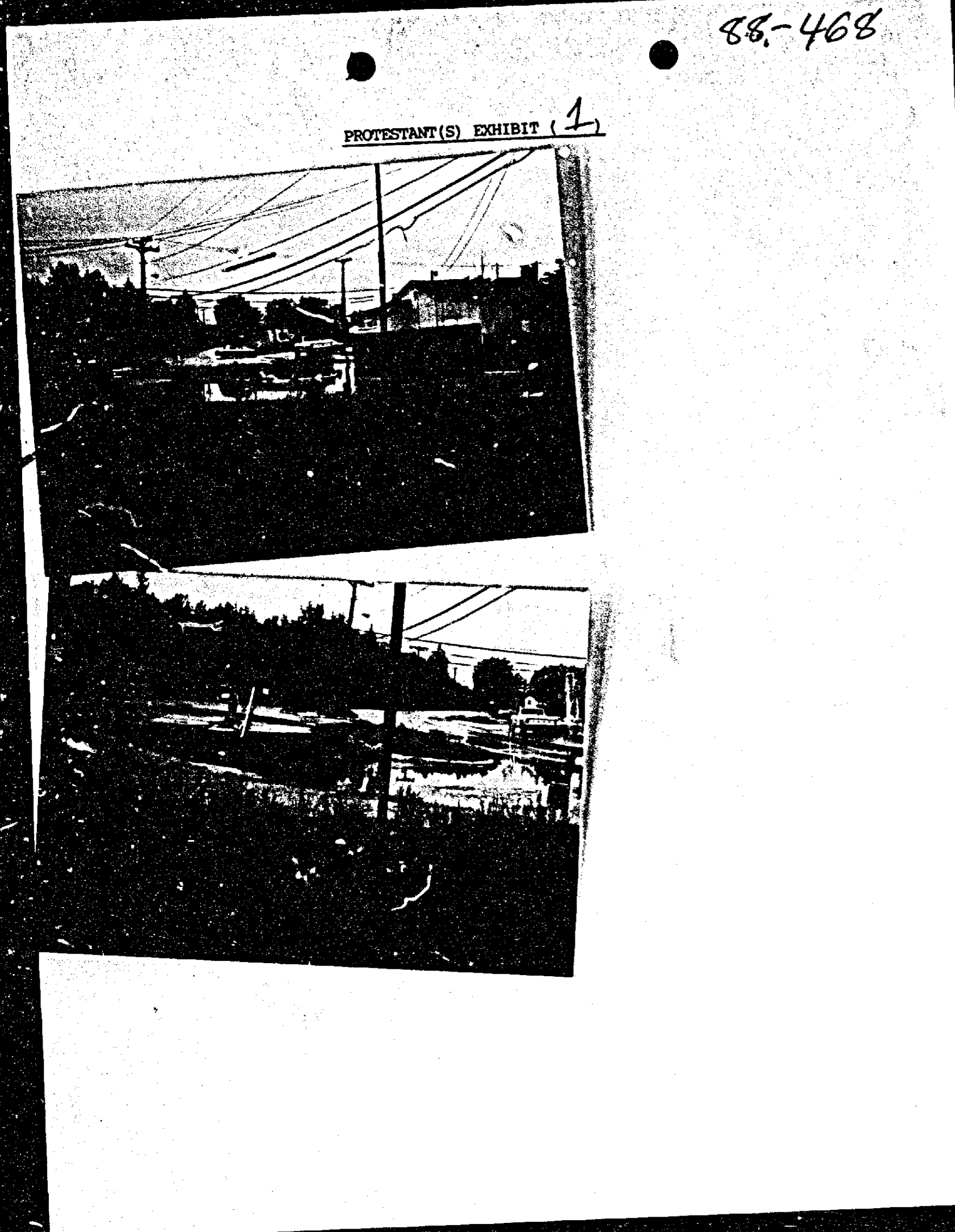
District: *1576* Date of Posting: *5/11/88*
Posted for: *Variance & Special Exemption & Paul Haines*
Petitioner: *Cloverdale Farms*
Location of property: *NE/C Eastern Ave. Ext. & Grace's Quarter Rd.*
Location of Sign: *Paul Haines, g. Eastern Ave. Ext. & Grace's Quarter Rd. Towson, Md. 21204*
Remarks: *Paul Haines*
Posted by: *Paul Haines* Date of return: *5/11/88*
Number of Signs: *3*



Beginning for the same at the intersection of the northeast right of way line of Grace's Quarter Road 30 feet wide with the southeast right of way line of Eastern Avenue 30 feet wide and running thence binding on the northeast right of way line of Grace's Quarter Road the two following courses and distances
1 - South 69° 52' 18" East 65.00 feet and
2 - South 83° 20' 12" East 91.03 feet thence
3 - North 22° 37' 42" East 127.14 feet thence
4 - North 69° 15' 18" West 152.54 feet to the said southeast right of way line of Eastern Avenue thence binding on said right of way
5 - South 22° 37' 42" West 150.00 feet to the place of beginning.
Containing 0.501 acres of land more or less.



Charles Stark



"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD, *May 5, 1988*
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
May 5, 1988

THE JEFFERSONIAN,

Susan Sinden Schmitt
Publisher

41.25

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner
P. David Fields
FROM: Director of Planning and Zoning
Zoning Petition Nos. 88-465-SPHA, 88-466-SPHA, 88-470-A,
88-466-SPH, 88-468-SPHA, 88-470-A,
SUBJECT: 88-472-A, 88-473-A, 88-474-A, 88-475-A, 88-476-A

Date: April 13, 1988

There are no comprehensive planning factors requiring comment on this petition.

P. David Fields
Director

PDFJGH:dme
cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
APR 15 1988
ZONING OFFICE

cc: *Madam Pety, Eng.*

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

March 24, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance, Special Hearing, and Special Exemption
CASE NUMBER: 88-466-SPHA
NE/C Eastern Ave. Ext. and Grace's Quarter Road
15th Election District - 30th Councilmanic District
Petitioner(s): Cloverdale Farms
HEARING SCHEDULE: THURSDAY, MAY 26, 1988 at 9:00 a.m.

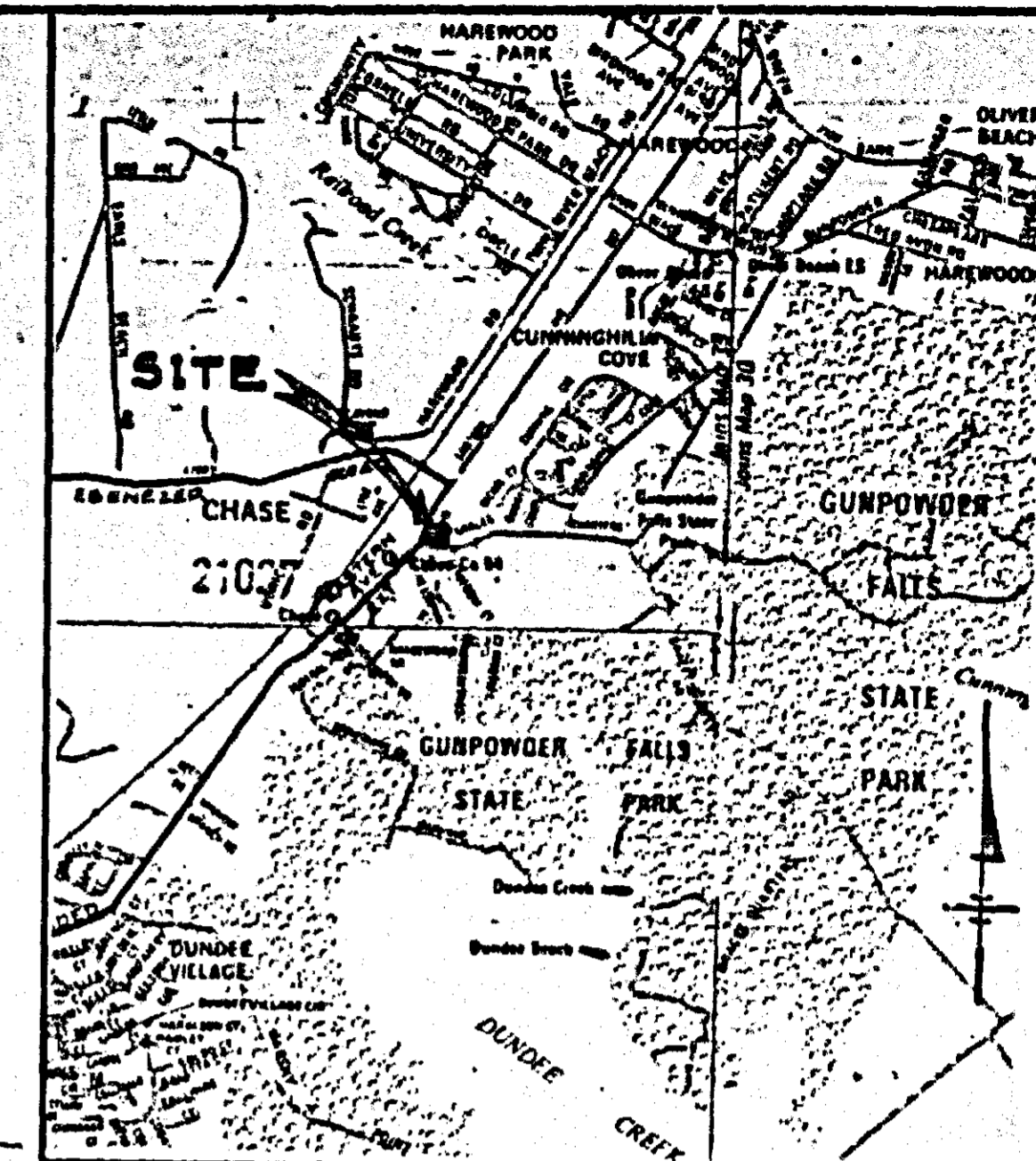
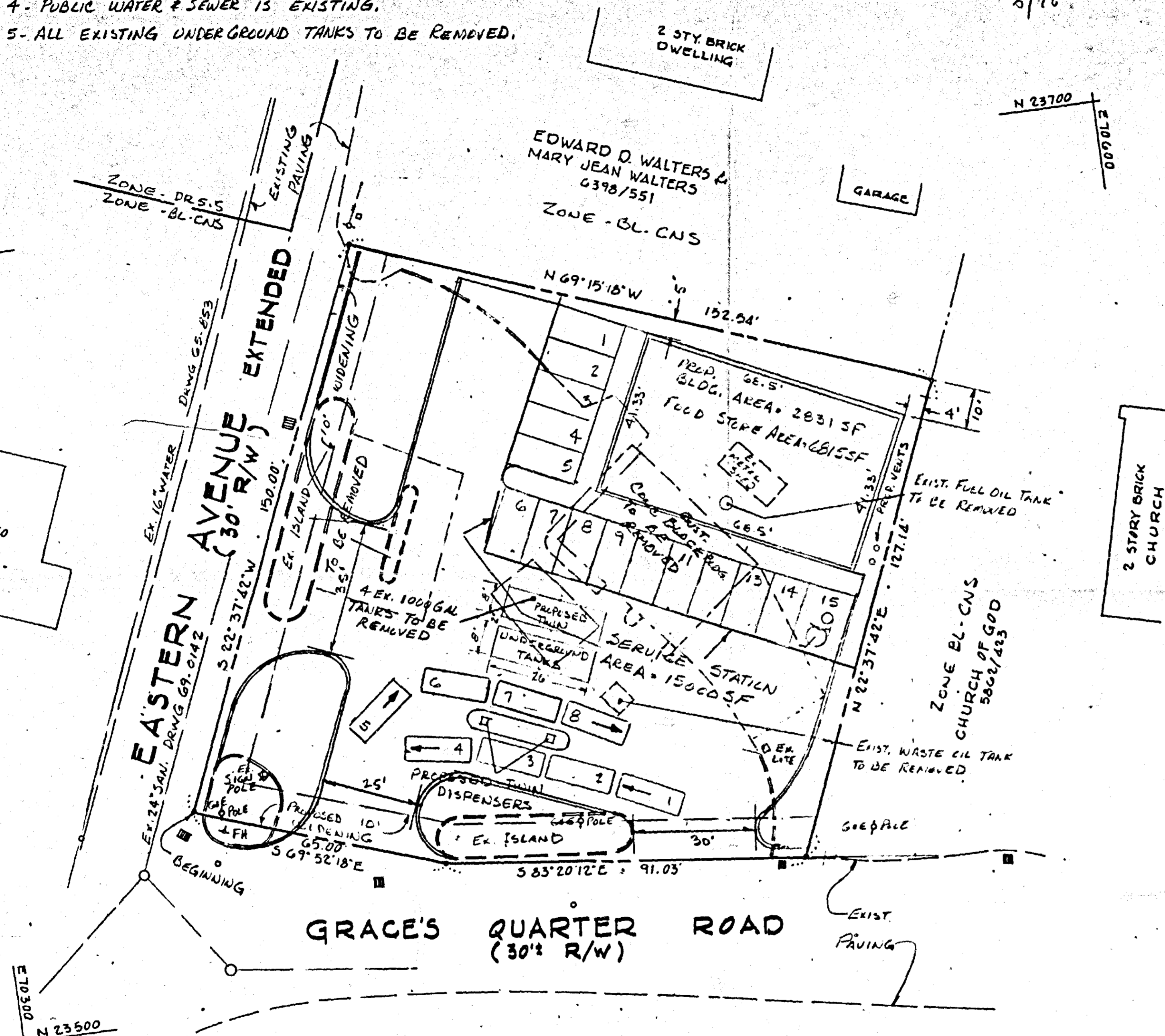
Variance to permit a site area of 21815 sq. ft. in lieu of the required 28320 sq. ft. (on area factor of 2.41 in lieu of the required factor of 4 area of 8815 sq. ft. in lieu of 11224 sq. ft.) Special Hearing: An Amendment to the site plan approved in Case Nos. 1357-S and 12-224-SPH to allow conversion to a food store as use in combination with a service station. Special Exemption: A Food Store in combination with a Service Station per AGS-40.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: *John W. Kemp/Cloverdale Farms Dairy, Inc.,*
Patman Pats, Inc.
File

- NOTES:
1. OUTLINE SURVEY BY H. MALMUD & ASSOC'S, INC.
 2. SEE ZONING CASE 33575 & 80-224 ASPH
 3. EXISTING BUILDINGS ONSITE TO BE REMOVED.
 4. PUBLIC WATER & SEWER IS EXISTING.
 5. ALL EXISTING UNDERGROUND TANKS TO BE REMOVED.



VICINITY MAP
SCALE: 1" = 200'

SITE TABULATION

EXIST. ZONE - BL-CNS
AREA - 0.501 AC ± (21,815 SF ±)
EXISTING USE - GASOLINE STATION
MIN. AREA REQUIRED - 15,000 SF
AREA PROVIDED - 15,000 SF

PROPOSED FOOD STORE

FLOOR AREA - 41.33' x 68.50' = 2831 SF
AREA REQUIRED - 4 x 2831 = 11324 SF
AREA PROVIDED - 6815 SF

PARKING REQUIRED

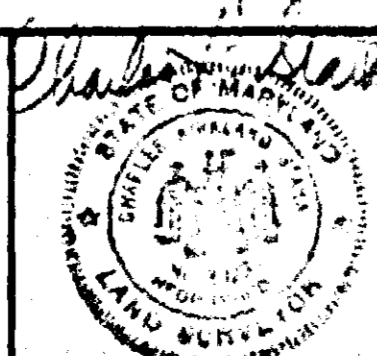
FOOD STORE - $\frac{2831}{200} = 15$ SPACES
PARKING PROVIDED - 15 SPACES
INCLUDING 1 HANDICAP
TYPICAL SPACE 9'-18' HANDICAP 12' x 18'

GASOLINE SERVICE AREA

TWO TWIN DISPENSERS
1 WAITING SPACE PROVIDED FOR EACH SERVING SPACE
TOTAL SPACES FOR SERVICE - 8

PETITIONER'S
EXHIBIT 1

**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**
CIVIL ENGINEERS & LAND SURVEYORS
305 ALLEGHENY AVENUE
TOWSON, MARYLAND 21234
(301) 251-8120



SPECIAL EXCEPTION TO PERMIT A FOOD STORE IN COMBINATION WITH A SERVICE STATION PER 405.4 D
VARIANCE TO SECTION 405.4 D B IS REQUESTED TO PERMIT AN AREA FACTOR OF 2.41 IN LIEU OF THE REQUIRED FACTOR OF 4 (AREA OF 6815 SF IN LIEU OF 11324 SF)

REV. 1-26-88 - 1st REV.
REV. 2-1-88 - 2nd REV.
REV. 5-20-88 - 3rd REV.
TRAFFIC COMMENTS

PLAN TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION AND VARIANCE

PROPERTY OF CLOVERLAND FARMS DAIRY

15TH ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

SCALE: 1" = 20'

DATE: JANUARY 21, 1988

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

March 22, 1989.

Mr. John M. Kemp
Cloverland Farms Dairy
2200 N. Monroe Street
Baltimore, MD 21217

C-2475-88
RE: Building Permit No. B001318
12601 Eastern Avenue
15th Elect. Dist.

Dear Mr. Kemp,

The Zoning Office cannot approve the above referenced building permit application for the following reason(s):

- _____ Improper setbacks
- _____ Improper use
- _____ Improper location
- _____ Inspection of the property must be made
- _____ Insufficient information on permit
- XX _____ Revised Plans (9 copies) must be submitted to the counter in Room 100, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland. All plans must be accompanied by a cover letter listing the revisions and referencing the permit and control number. Revised plans must be submitted in person.
- XX _____ Other The Zoning Office cannot approve the above, referenced permit since the site plan does not reference and include case 88-468-SPHXA and its order and restrictions. All hearings, orders, and restrictions must be referenced on the site plan upon approval. Also, the stacking spaces must be shown on the plan just as they were shown on the previous hearing site plan.

If you have any further questions, you may contact me at 494-3391.

Very truly yours,

Mitch Kellman
Planning and Zoning Associate III

cc: Zoning File
Planning File

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 9, 1991

Charles K. Stark, P.L.S.
George William Stephens, Jr. & Assoc., Inc.
658 Kenilworth Drive, Suite 100
Towson, Maryland 21204

RE: Proposed Service Station
Canopy Addition
NEC Eastern Avenue and
Graces Quarters Road
Zoning Case #88-468-SPHXA
15th Election District

Dear Mr. Stark:

This letter is in reference to your correspondence and red lined plan submitted for a zoning review of a proposed new canopy addition to the above referenced site.

According to the information provided, a canopy setback deficiency of 4' would exist to a proposed right-of-way line which has not yet been taken by Baltimore County. This office will approve this canopy addition without an additional zoning public hearing subject to the understanding that the canopy must be constructed prior to the formal taking of the right-of-way by Baltimore County. When filing building permit application, a copy of this letter along with all commercial (blue) permit checklist information will be required on all submitted site plans.

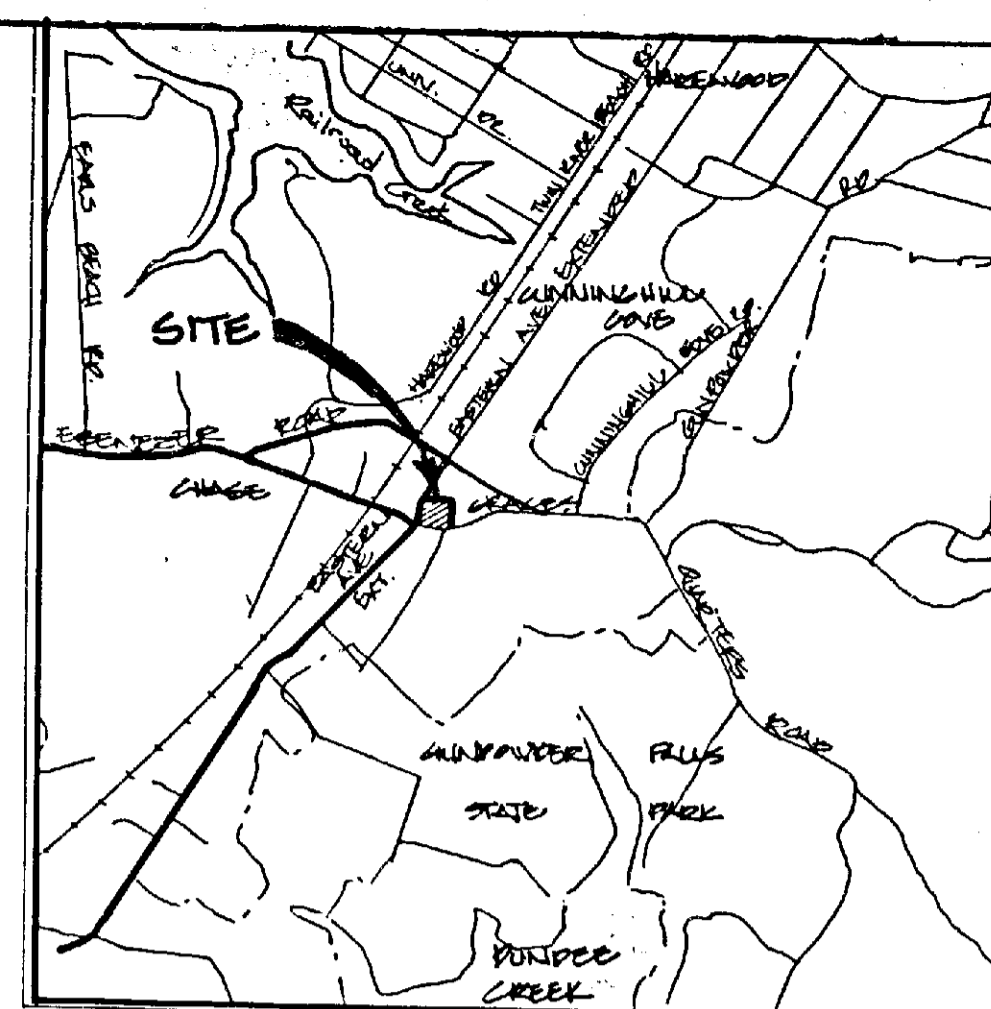
If you have any questions, please do not hesitate to call me at 887-3391.

Very truly yours,

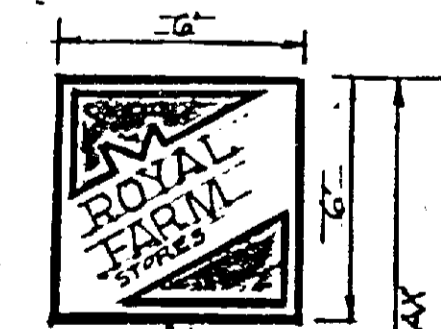
JAMES E. DYER
Zoning Supervisor

By: John L. Lewis
Planner

JLL:jat
cc: File



BENCHMARK: BALTIMORE COUNTY STATION 11279
Elev. 20.30
AT NORTHWEST CORNER OF GRACES
QUARTERS ROAD AND EASTERN AVE.



BUILDING PERMIT NO. B-001398
C-2475-88

BALTO. CO., MARYLAND
OCTOBER, 1980
SCALE: AS SHOWN


DESIGNED: P.M.B.
DRAWN: R.P.T.
CHECKED: TO
REV. 12-16-88. ADDED
PVC NOTE.
4-22-89 REV. AS PER
C.D. COMMENTS
3-7-90 - WATER QUAL.
ADDED - FLY DRAIN
SYSTEM

UNDES/DEVELOPERS CERTIFICATION

"I/WE HEREBY CERTIFY THAT ANY CLEARING, GRADING, CONSTRUCTION AND/OR DEVELOPMENT WILL BE IN ACCORDANCE WITH THIS PLAN AND THAT ANY RESPONSIBLE PERSONNEL INVOLVED IN THIS CONSTRUCTION PROJECT WILL HAVE A CERTIFICATE OF ATTENDANCE FROM A DEPARTMENT OF NATURAL RESOURCES APPROVED COURSE FOR THE CONTROL OF SEDIMENT AND EROSION, BEFORE BEGINNING THE PROJECT. I/WE ALSO HAVE TRAINING RECORDS FOR ALL PERSONNEL INVOLVED IN THIS PROJECT. I/WE HAVE BEEN ADVISED BY THE BALTIMORE COUNTY COMPLETION AS TO INSURE THAT ALL SEDIMENT CONTROL PRACTICES WILL BE MAINTAINED AND WE WILL MAINTAIN RECORDS OF THE EROSION CONTROL PRACTICES. I/WE HAVE BEEN ADVISED BY THE BALTIMORE COUNTY COMPLETION AS TO INSURE THAT ALL SEDIMENT CONTROL PRACTICES WILL BE MAINTAINED AND WE WILL MAINTAIN RECORDS OF THE EROSION CONTROL PRACTICES. I/WE AUTHORIZED THE ENTRY OF ENTRY FOR FIELD ON-SITE EVALUATION BY THE BALTIMORE COUNTY COMPLETION DISTRICT RANGERS OR SUPERVISORS OR THEIR AUTHORIZED AGENTS.

John Williams 11/8/92
John Williams
Cecil and Fannie Williams
Dr. J. Williams, Sr. and Fannie Williams, Jr.
11/8/92

I CERTIFY THAT THIS PLAN OF EROSION AND SEDIMENT CONTROL REPRESENTS A PRACTICAL AND WORKABLE PLAN BASED ON MY PERSONAL KNOWLEDGE OF THE SITE, AND THAT THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE BALTIMORE COUNTY SOIL CONSERVATION DISTRICT AND "STANDARDS AND SPECIFICATIONS FOR SOIL EROSION AND SEDIMENT CONTROL". I HAVE REVIEWED THIS EROSION AND SEDIMENT CONTROL PLAN WITH THE OWNER/DEVELOPER.

| | |
|--|------------------|
|  SIGNATURE | 3026 VIC. 150 |
| CHARLES K. STARK | |
| NAME | DATE |

**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.**

CIVIL ENGINEERS & LAND SURVEYORS

303 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 825-8120

GWS